Authority and Legal Assistance

101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Thurston County Sheriff's Office shall operate and maintain a local detention facility in this state. In addition to the authority vested by state law, the correctional facility operates in accordance with these laws, constitutional mandates, regulations and local ordinances (RCW 70.48.180 and RCW 70.48.190). A Corrections Deputy is defined as "A sworn/commissioned member of the agency with peace officer authority while performing job-related duties."

101.2 POLICY

It is the policy of this Office that the local detention facility will be maintained by all lawful means for the incarceration of persons suspected of violating the law or who have been adjudicated as guilty of committing a crime or civil offense by a competent legal authority, as prescribed by law.

101.3 LEGAL FOUNDATION

Correctional Facility staff, at every level must have an understanding and true appreciation of their authority and limitations in the operation of a local detention facility. The Thurston County Sheriff's Office recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement personnel with the authority to incarcerate suspected law violators to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

101.3.1 PEACE OFFICER POWERS

The arrest authority of the Thurston County Sheriff's Office includes (RCW 10.31.100):

(a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.

(b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100.

(c) A peace officer may arrest a person in compliance with an arrest warrant.

101.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the Prosecuting Attorney and legal specialists can be of benefit to the Office:

(a) Analyze and alert the correctional facility executive and management team to correctional facility-related case law.

(b) Serve as a legal consultant in the construction and review of new correctional facility policies and procedures.

(c) Serve as a legal consultant on issues related, but not limited to the following:

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1. Use of force
2. Faith-based requests
3. Complaints and grievances
4. Allegations of abuse by staff
5. Americans with Disabilities Act (ADA) issues, policies and procedures

(d) Serve as legal counsel in legal matters brought against this office and the Sheriff.

101.4.1 LEGAL LIAISON

The corrections administration will liaison with the Prosecuting Attorney’s office. They will provide an orientation of the facility and detention facility policies to representatives of the Prosecuting Attorney’s office as needed.

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